

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CALVIN JAMES,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-25-00267-JD
)	
WARDEN USP COLEMAN I and)	
WARDEN USP LEE,)	
)	
Respondents.)	

ORDER

Before the Court is United States Magistrate Judge Shon T. Erwin’s Report and Recommendation [Doc. No. 8] recommending that (1) Petitioner Calvin James’s Motion for Leave to Proceed *in forma pauperis* [Doc. No. 7] be denied and (2) Mr. James be ordered to pay the \$5.00 filing fee in full to the Clerk of Court within twenty days of any order adopting the Report and Recommendation for this action to proceed. [Doc. No. 8 at 1–2]. Judge Erwin advised Mr. James of his right to file an objection to the Report and Recommendation with the Clerk of Court by March 31, 2025, and warned that failure to file a timely objection to the Report and Recommendation waives the right to appellate review of both factual and legal issues addressed in the Report and Recommendation. *Id.* at 2.

The record reflects that no objection to the Report and Recommendation has been filed by the deadline, and no extension of time to object has been requested. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (explaining that the Tenth Circuit’s “firm waiver rule” “provides that the failure to make timely objection to the magistrate

[judge]’s findings or recommendations waives appellate review of both factual and legal questions”).

The Court therefore **ACCEPTS** the Report and Recommendation [Doc. No. 8] in its entirety for the reasons stated therein. Mr. James’s Motion for Leave to Proceed *in forma pauperis* [Doc. No. 7] is **DENIED**. Mr. James is **ORDERED** to pay the filing fee of \$5.00 in full to the Clerk of Court within twenty (20) days of this order, or no later than **May 14, 2025**, for this action to proceed.

Failure to comply with this order and pay the \$5.00 filing fee to the Clerk of Court in full by the deadline of **May 14, 2025**, will result in this action being dismissed without prejudice and without further warning by the Court.

IT IS SO ORDERED this 24th day of April 2025.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE